

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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<b>In Re: AUTOMOTIVE PARTS ANTITRUST LITIGATION</b>	:	Master File No. 12-md-02311
	:	Honorable Marianne O. Battani
<b>In Re: All Auto Parts Cases</b>	:	2:12-MD-02311-MOB-MKM
	:	
<b>THIS DOCUMENT RELATES TO: ALL AUTO PARTS CASES</b>	:	<b>Oral Argument Requested</b>
	:	

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**PARTIES' MOTION FOR LEAVE TO FILE A MEMORANDUM OF UP TO 36 PAGES  
IN SUPPORT OF THEIR MOTION TO COMPEL DISCOVERY FROM NON-PARTY  
ORIGINAL EQUIPMENT MANUFACTURERS**

Pursuant to Local Rule 7.1(d)(3), the Parties, by their undersigned counsel, hereby move for leave to file a memorandum of up to 36 pages in support of their motion to compel discovery from a group of coordinating non-party Original Equipment Manufacturers and their affiliated entities (“Specified Subpoena Entities” or “SSEs”).

The Parties’ memorandum is the combined effort of Defendants and Plaintiffs,<sup>1</sup> and provides a thorough account of the negotiations between the Parties and the SSEs, which began in August 2015. The memorandum also provides a detailed legal analysis, explaining why the discovery sought is crucial to both Defendants’ and Plaintiffs’ legal arguments, both at class certification and on the merits.

The Parties endeavored to limit their memorandum to the 20-page limit imposed by Judge Battani’s Practice Guidelines, but given the number of subpoenaed entities, the extent of

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<sup>1</sup> Plaintiffs consist of Auto Dealer Plaintiffs, Truck and Equipment Dealer Plaintiffs, and End Payor Plaintiffs, the State of Florida, and the State of Indiana. See *In re Auto. Parts Antitrust Litig.*, No 2:12-md-02311-MOB-MKM (E.D. Mich).

the negotiations, and the legal issues implicated, they were unable to do so without sacrificing accuracy or clarity. The Parties recognize that the Court has granted similar motions to extend page limits in this case previously, *see, e.g.*, Order granting Motion for Leave to File Excess Pages, *In re Auto. Parts Antitrust Litig.*, No 2:12-cv-00103-MOB-MKM (E.D. Mich. 27 Aug., 2015), ECF No. 336, and the Parties would agree to a similar extension for the OEMs' memorandum in opposition in order to offset any possible prejudice.

For these reasons, the Parties respectfully request that the Court enter an Order granting leave to file a memorandum of up to 36 pages.

Dated: January 19, 2016

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I hereby certify that on January 19, 2016, I caused the foregoing Parties' Motion For Leave To File A Memorandum Of Up To 36 Pages In Support Of Their Motion To Compel Discovery From Non-Party Original Equipment Manufacturers to be served on the non-parties via FedEx. The foregoing materials were also electronically filed with the Clerk of the Court using the CM/ECF system, which will send notifications of this filing to the Parties' counsel of record.

Dated: January 19, 2016

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